

UNITED STATES DISTRICT COURT

**FILED**  
DISTRICT COURT OF GUAM

Southern District Of California  
Office Of The Clerk  
880 Front Street, Room 4290  
San Diego, California 92101-8900  
Phone: (619) 557-5600  
Fax: (619) 702-9900

FEB 20 2008

JEANNE G. QUINATA  
Clerk of Court

W. Samuel Hamrick, Jr.  
Clerk of Court

RECEIVED  
STAMPED IN ERROR  
FEB 20 2008  
STAMPED IN ERROR  
DISTRICT COURT OF GUAM  
HAGATNA, GUAM

February 11, 2008

District of Guam  
520 West Soledad Avenue  
Hagatna, GU 96910-4950

Re: 08mj359 RBB, USA v. Garcia

Dear Clerk of the Court:

Enclosed please find copies of the following documents in connection with removal proceedings conducted in this District regarding the above named defendant:

<u>  X  </u> Docket Sheet	<u>          </u> Warrant of Removal
<u>  X  </u> Complaint	<u>  X  </u> Order of Removal
<u>          </u> Minute Order Appointing Counsel	<u>          </u> Detention Order
<u>          </u> Corporate Surety Bond	<u>          </u> Waiver of Removal
<u>  X  </u> Personal Surety Bond	
<u>  X  </u> Other	<u>Abstract of Order; Order and Conditions of Pretrial Release; Waiver;</u>

Please acknowledge receipt of the above documents on the enclosed copy of this letter.

Sincerely yours,

W. Samuel Hamrick, Jr.  
Clerk of Court

By: P. Delacruz  
P. Dela Cruz, Deputy Clerk

**U.S. District Court  
Southern District of California (San Diego)  
CRIMINAL DOCKET FOR CASE #: 3:08-mj-00359-RBB All Defendants  
Internal Use Only**

Case title: USA v. Garcia

Date Filed: 02/07/2008

Date Terminated: 02/08/2008

Assigned to: Magistrate Judge Ruben B.  
Brooks

**Defendant**

**Mary J. Garcia (1)**

*TERMINATED: 02/08/2008*

*also known as*

**Mary C. Garcia (1)**

*TERMINATED: 02/08/2008*

I hereby attest and certify on 2/11/08

That the foregoing document is a full, true and correct  
copy of the original on file in my office and in my legal  
custody.

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

By P. Delacruz Deputy

represented by **Federal Defenders**

Federal Defenders of San Diego

225 Broadway

Suite 900

San Diego, CA 92101-5008

(619)234-8467

Fax: (619)687-2666

Email: [cassd\\_ecf@fd.org](mailto:cassd_ecf@fd.org)

**LEAD ATTORNEY**

**ATTORNEY TO BE NOTICED**

*Designation: Public Defender or  
Community Defender Appointment*

**Pending Counts**

None

**Highest Offense Level (Opening)**

None

**Terminated Counts**

None

**Highest Offense Level (Terminated)**

None

**Complaints**

18:2 and 371; 18:2 and 1028(a)(1) and  
1028(b)(1)(A)(ii) and 1028(c)(1) and

**Disposition**

**Disposition**

**Disposition**

**Plaintiff**

**USA**

represented by **U S Attorney CR**

U S Attorneys Office Southern District  
of California  
880 Front Street  
Room 6293  
San Diego, CA 92101  
(619)557-5610  
Fax: (619)557-5917  
Email: Efile.dkt.gc2@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Assistant United States  
Attorney*

Date Filed	#	Docket Text
02/07/2008	<a href="#"><u>1</u></a>	OUT OF DISTRICT COMPLAINT as to Mary C. Garcia (1) (jjh)(mam). (Entered: 02/07/2008)
02/07/2008	<a href="#"><u>2</u></a>	Arrest of Mary C. Garcia on 2/7/2008 (pdc) (Entered: 02/11/2008)
02/08/2008	<a href="#"><u>2</u></a>	P/S Bond Entered as to Mary C. Garcia in amount of \$10,000. Signed by Judge Ruben B. Brooks on 2/8/08. (jjh) (Entered: 02/08/2008)
02/08/2008	<a href="#"><u>3</u></a>	ABSTRACT OF ORDER releasing Mary C. Garcia re <a href="#"><u>2</u></a> Bond. Signed by Judge Ruben B. Brooks on 2/8/08. (jjh) (Entered: 02/08/2008)
02/08/2008	<a href="#"><u>4</u></a>	Minute Entry for proceedings held before Judge Ruben B. Brooks :Initial Appearance on Out of District Complaint in Rule 5 Proceedings as to Mary C. Garcia held on 2/8/2008. Federal Defenders provisionally appointed for Mary C. Garcia. Bond set as to Mary C. Garcia (1) \$10,000 P/S secured by Defendant's signature. True Name as to Mary C. Garcia is Maria J. Garcia. Defendant waives ID Removal. Waiver filed. Court Orders defendant to appear in District of Guam on 2/15/2008 @9:00am. (Tape #RBB08-1:10:32-10:45 & 14:09-14:12).(Plaintiff Attorney C. Cantu/C. Mason, AUSA).(Defendant Attorney D. Peterson/L. Morgan, FD-S/A). (pdc) (Entered: 02/11/2008)
02/08/2008	<a href="#"><u>5</u></a>	ORDER Setting Conditions of Release Bond set for Mary J. Garcia (1) \$10,000 P/S secured by Defendant's signature. Signed by Judge Ruben B. Brooks on 2/8/2008. (pdc) (Entered: 02/11/2008)

02/08/2008	● <u>6</u>	Minute Entry for proceedings held before Judge Ruben B. Brooks :Removal/ID Hearing as to Mary J. Garcia held on 2/8/2008. Defendant states true name to be Mary J. Garcia. Defendant waives ID/Removal Hearing. Waiver filed. Court sets bond at \$10,000 PS secured by Defendant's signature. Defendant stipulates to Removal and Admits Identity. Court orders the defendant to appear in the District of Guam before the Duty Magistrate Judge or District Judge on 2/15/2008 @ 9:00 am. Order of Removal Filed. (Tape #RBB08-10:32-10:45 and 14:09-14:12).(Plaintiff Attorney C. Mason, AUSA).(Defendant Attorney D. Peterson, FD). (pdc) (Entered: 02/11/2008)
02/08/2008	● <u>7</u>	WAIVER of Rule 5(c) and 5.1(a) Hearings as to Mary J. Garcia (pdc) (Entered: 02/11/2008)
02/08/2008	● <u>8</u>	ORDER OF REMOVAL as to Mary J. Garcia. Defendant ordered removed to the District of Guam. Signed by Judge Ruben B. Brooks on 2/8/2008. (pdc) (Entered: 02/11/2008)

Arrest on Out-of-District Offense

**UNITED STATES DISTRICT COURT**

**SOUTHERN DISTRICT OF CALIFORNIA**

08 FEB -7 PM 3:43

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

**ARREST ON OUT-OF-DISTRICT OFFENSE**

DEPUTY

Magistrate Case Number

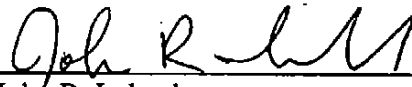
08 MJ 0359

The person charged as Mary C. Garcia now appears before this United States District Court for an initial appearance as a result of the following charges having been filed in the United States District Court for the District of Guam, in violation of Title 18, U.S.C. §§ 2 & 371, Count 3; 2 & 1028(a)(1); 1028(b)(1)(A)(ii); 1028(c)(1) & (1028)(c)(3)(A), Counts 21 through 23.

The charging documents and the warrant of the arrest of the defendant which was issued by the above United States District Court are attached hereto.

I hereby swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

DATED: 02/07/2008

  
John R. Ireland  
Special Agent  
Federal Bureau of Investigation

Reviewed and Approved:

Dated: 2/7/08

  
Assistant United States Attorney

I hereby attest and certify on 2/11/08  
That the foregoing document is a full, true and correct copy of the original on file in my office and in my legal custody.

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
By P. Delacruz Deputy

AO 442 (Rev. 08/07) Warrant for Arrest

## UNITED STATES DISTRICT COURT

District of

GUAM

UNITED STATES OF AMERICA

V.

MARY C. GARCIA

## WARRANT FOR ARREST

Case Number: CR-08-00004-004

To: The United States Marshal  
and any Authorized United States OfficerYOU ARE HEREBY COMMANDED to arrest MARY C. GARCIA

Name

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

- ☒ Indictment    ☐ Information    ☐ Complaint    ☐ Order of court  
☐ Pretrial Release    ☐ Probation    ☐ Supervised Release    ☐ Violation Notice  
     Violation Petition    Violation Petition    Violation

charging him or her with (brief description of offense)

Criminal Conspiracy, 18 U.S.C. §§ 2 &amp; 371, Count 3

Fraud in Connection With Identification Documents, 18 U.S.C. §§ 2 & 1028(a)(1); 1028(b)(1)(A)(ii);  
1028(c)(1) & 1028(c)(3)(A), Counts 21 through 23

- ☐ in violation of Title \_\_\_\_\_ United States Code, Section(s) \_\_\_\_\_  
☐ in violation of the conditions of his or her pretrial release imposed by the court.  
☐ in violation of the conditions of his or her supervision imposed by the court.

MARILYN B. ALCON

Name of Issuing Officer

Deputy Clerk

Title of Issuing Officer

  
 Signature of Issuing Officer

01/23/2008

Hagatna, Guam

Date and Location

## RETURN

This warrant was received and executed with the arrest of the above-named individual at

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		

COPY

EYLee.Ind

LEONARDO M. RAPADAS

United States Attorney

KARON V. JOHNSON

Assistant U.S. Attorney

Suite 500, Sirena Plaza

108 Hernan Cortez Avenue

Hagatna, Guam 96910

Telephone: (671) 472-7332/7283

Telecopier: (671) 472-7334

Attorneys for the United States of America

**FILED**  
DISTRICT COURT OF GUAM

JAN 23 2008

JEANNE G. QUINATA  
Clerk of Court

IN THE UNITED STATES DISTRICT COURT  
FOR THE TERRITORY OF GUAM

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EUN YOUNG LEE,

aka Eun Young Cho,

aka Ina Lee,

MARCELINO J. LASERNA,

JOHN W.C. DUENAS,

MARY C. GARCIA,

JOSEPH PANGELINAN,

FRANCISCO SN KAWAMOTO, and

MARGARET B. UNTALAN,

Defendants.

CRIMINAL CASE NO.

**08-00004**

INDICTMENT

**CRIMINAL CONSPIRACY**

[18 U.S.C. §§ 2 & 371]

(COUNTS I thru VI)

**FRAUD CONCERNING**

**IDENTIFICATION DOCUMENTS**

[18 U.S.C. §§ 2; 1028(a)(1); 1028(b)(1)(A)(ii);

1028(c)(1) & 1028(c)(3)(A)]

(COUNTS VII thru XXIII)

THE GRAND JURY CHARGES:

INTRODUCTION

1. At all times relevant to this Indictment, the Guam Department of Revenue and Taxation (the Department) Motor Vehicle Division (MVD) was a component unit and agency of the Government of Guam. The MVD's responsibilities included the licensing, registration, and related enforcement functions concerning the operation of motor vehicles on Guam. In

1 particular, the MVD was responsible for administering the examination and licensing program  
2 for all drivers on Guam's highways, pursuant to the requirements of 16 Guam Code Annotated, §  
3 3101.

4 2. The United States Internal Revenue Service (IRS) issued a tax processing number,  
5 called an Individual Taxpayer Identification Number (TIN) to individuals who were required to  
6 have a U.S. taxpayer identification number but did not, or were not eligible to obtain a Social  
7 Security Number from the Social Security Administration. To qualify for and to receive a TIN,  
8 the individual had to have a tax filing requirement and had to file a valid federal income tax  
9 return.

10 3. The MVD motor vehicle examiners were responsible for ensuring that Guam driver's  
11 licenses and learner's permits were issued only to qualified persons as provided by Guam statute  
12 and by MVD's rules and regulations. The MVD had a standard operating procedure for the  
13 issuance of driver's licenses and learner's permits. The applicant was required to provide  
14 biographical and personal information on an application form, which included the applicant's  
15 Social Security Number (SSN) or Taxpayer Identification Number (TIN). The applicant was  
16 required to sign the form, declaring under penalty of perjury that the information contained  
17 therein was true, and to personally present it to an MVD examiner. The examiner was required  
18 to verify the information provided and enter the pertinent data into the MVD central computer.  
19 In particular, it was the examiner's duty to determine the true and correct identity of the  
20 applicant, and ensure that the correct biographical and identification data of each applicant was  
21 recorded in the MVD central computer. Every examiner knew that upon entry of this  
22 information, the MVD computer would create a file under the applicant's name, using the SSN  
23 or TIN on the application. The examiner would schedule language or driving tests if required.  
24 After the applicant had passed the required tests, or immediately if no tests were necessary, the  
25 applicant's vision was tested and he was photographed. The MVD computer would print out the  
26 license data, and the applicant would present that printout to the Department cashier and pay the  
27  
28



1 applicable license fee. The cashier would stamp a receipt of payment on the printout. The  
2 applicant would then return to the examiner's counter, present the stamped printout and receive  
3 his Guam driver's license or learner's permit.

4 4. At all times relevant to this indictment, regular Guam driver's licenses were valid for  
5 three years after the first anniversary of the date of birth of the applicant the date of issue; Guam  
6 learner's permits were valid for ninety (90) days from the date of issue.

7 5. At all times relevant to this indictment, 16 Guam Code Annotated (GCA) § 3101(c)  
8 permitted an alien holding a valid operator's license from his country of origin to drive upon  
9 Guam highways for a period not exceeding thirty (30) days from the date such person arrived on  
10 Guam. To continue legally driving on Guam, however, the alien must have been issued a Guam  
11 driver's license prior to the expiration of the thirty-day period. Upon issuance of this special  
12 license, the alien was allowed to continue legally driving on Guam for up to one (1) year from the  
13 date he arrived on Guam, unless the license issued from his country of origin expired before then.  
14 To obtain such a special license, the alien was required to register his license from his country of  
15 origin with the Department of Revenue and Taxation and to pay a registration fee as required by  
16 the Director of the Guam Department of Revenue and Taxation or his designee. Effective July  
17 16, 2004, MVD regulations allowed an alien with a valid passport to qualify for a Guam driver's  
18 license, but only if the alien submitted letters from both the Internal Revenue Service and the  
19 Social Security Administration, to the effect that the alien had applied for a SSC or TIN, and his  
20 application had been denied.

21 6. Aliens who did not apply for a Guam driver's license thirty (30) days after their arrival  
22 on Guam, or who did not apply to register their operator's licenses from their countries of origin  
23 within thirty (30) days after their arrival on Guam, were not eligible for the program established  
24 by 16 Guam Code Annotated, § 3101(c). Such aliens were required to submit a driver's license  
25 or learner's permit application to the MVD in the same manner as lawful residents of the United  
26 States, as provided by 16 GCA § 3101(f).

1 7. MVD regulations required that applicants seeking a Guam driver's license or learner's  
2 permit, as provided by 16 GCA § 3101(f), have in their possession a valid Individual Taxpayer  
3 Identification Number (TIN) or Social Security Card (SSC) or a written verification of an SS  
4 number from the Social Security Administration prior to being issued a driver's license.

5 8. Guam has a Tourist Visa Waiver program for the Republic of Korea, which allows  
6 Korean citizens legally to enter and remain on Guam as tourists for no more than fifteen (15)  
7 days. Any Korean citizen who has entered Guam under that program and remains after the 15-  
8 day period is in violation of United States immigration laws and is subject to immediate arrest  
9 and deportation by United States Customs and Border Protection.

10 9. At all times relevant to this indictment, the Guam Department of Revenue and  
11 Taxation had a Memorandum of Understanding and Agreement with the University of Guam,  
12 wherein the University would proctor, score and tabulate written examinations taken by  
13 applicants for a Guam driver's license. A passing score on the written examination was required  
14 before the applicant could receive a Guam driver's license.

15 10. At all times relevant to this indictment, defendant EUN YOUNG LEE had contracted  
16 with the University of Guam to act as a Korean translator for the MVD driver's license written  
17 examination and other translation assignments related thereto. Her duties included truly and  
18 accurately translating the examination from English into Korean for the benefit of Korean-  
19 speaking applicants for Guam driver's licenses.

20 11. At all times relevant to this indictment, MARCELINO J. LASERNA, JOHN W.C.  
21 DUENAS, MARY C. GARCIA, JOSEPH PANGELINAN, FRANCISCO SN KAWAMOTO,  
22 and MARGARET B. UNTALAN, were employed as examiners for the Guam Department of  
23 Revenue and Taxation Motor Vehicle Division.

24 12. At all times relevant to this indictment, the production of a Guam driver's license or  
25 learner's permit was in and did affect interstate or foreign commerce.

OBJECT OF THE CONSPIRACY

13. It was an object of the conspiracy for EUN YOUNG LEE and others, both known and unknown to the Grand Jury, to enrich themselves by receiving money and other things of value to produce Guam Driver's licenses for persons who were not otherwise entitled lawfully to receive them.

MANNER AND MEANS OF THE CONSPIRACY

14. The objects of the conspiracy were to be accomplished and were accomplished as follows. For a fee, EUN YOUNG LEE would agree to provide a Guam driver's license or learning permit to a Korean citizen who was in the United States illegally, and hence did not qualify for such a license. She would create a letter addressed to this illegal alien, purportedly from the U.S. Internal Revenue Service, assigning the alien a Taxpayer Identification Number. In fact, the letter was a copy of an original IRS letter, with the information concerning the original recipient covered with white-out, and the alien's name and a false and fraudulent TIN substituted for the genuine name and number. LEE would assist in filling out an application for a Guam driver's license or learning permit in the name of the illegal alien, and record on the application the false and fraudulent TIN which she had created. LEE and/or the alien would submit the application bearing the false TIN to a cooperating MVD examiner. At times LEE and/or the alien would also submit the false IRS letter; at other times, she only recorded a false TIN on the application. The cooperating examiner would write the false and fraudulent TIN across the top of the application form, which notation served as a record that the examiner had seen the original IRS letter and verified that the TIN on the application had indeed been lawfully assigned to that alien. The examiner would enter the information on the alien's application into the MVD computer, and schedule a date for a written examination. LEE would sometimes proctor the written examination and provide the correct answers to the alien. Subsequently, LEE would almost always accompany the alien to the MVD, where the alien would be photographed

1 and receive the license or learner's permit. In this manner, Guam driver's licenses and learner's  
2 permits were illegally issued to aliens who were unlawfully in the United States.

3 COUNT I - CRIMINAL CONSPIRACY

4 15. Paragraphs 1 through 14 are incorporated and realleged herein.

5 16. Beginning on or about February 4, 2004, and continuing through March, 2005, within  
6 the District of Guam, the defendants herein, EUN YOUNG LEE, and MARCELINO J.  
7 LASERNA, did willfully and knowingly combine, conspire, confederate and agree with each  
8 other and with others both known and unknown to the Grand Jury, to commit the offense of  
9 Fraud in Connection with Identification Documents, in violation of Title 18, United States Code,  
10 Section 1028(a)(1), and to aid, abet, counsel, command, induce and procure the conspiracy  
11 charged in this count and willfully cause others to perform acts and make statements in  
12 furtherance of the conspiracy, and did perform the following overt acts for the purpose of  
13 carrying out the conspiracy:

14 17. On February 20, 2004, MARCELINO J. LASERNA created two files in the MVD  
15 computer for driver's license applications in the names of Sung Min Shin and Ki Cheol Han,  
16 having received these applications from EUN YOUNG LEE, and knowing that LEE had created  
17 a false and fraudulent Taxpayer Identification Number (TIN) for each application.

18 18. On February 23, 2004, MARCELINO J. LASERNA created three files in the MVD  
19 computer for driver's license applications in the names of Jung Soo Yang, Young Min Ho, and  
20 Geun Jae Lee, having received these applications from EUN YOUNG LEE, and knowing that  
21 LEE had created a false and fraudulent Taxpayer Identification Number (TIN) for each  
22 application.

23 19. On March 1, 2004, MARCELINO J. LASERNA created two files in the MVD  
24 computer for driver's license applications in the names of Seung Pill Choi and Dong Pyo Hong,  
25 having received these applications from EUN YOUNG LEE, and knowing that LEE had created  
26 a false and fraudulent Taxpayer Identification Number (TIN) for each application.

1 20. On March 16, 2004, MARCELINO LASERNA created a file in the MVD computer  
2 for a driver's license application in the name of Mi Ra Kim, having received this application  
3 from EUN YOUNG LEE, and knowing that LEE had created a false and fraudulent Taxpayer  
4 Identification Number (TIN) for this application.

5 21. On March 16, 2004, MARCELINO J. LASERNA created a file in the MVD  
6 computer for a driver's license application in the name of Deuk Soon Choi, having received this  
7 application from EUN YOUNG LEE, and knowing that LEE had created a false and fraudulent  
8 Taxpayer Identification Number (TIN) for this application.

9 22. On April 12, 2004, MARCELINO J. LASERNA created a file in the MVD computer  
10 for a driver's license application in the name of Chun Ja Cho, having received this application  
11 from EUN YOUNG LEE, and knowing that LEE had created a false and fraudulent Taxpayer  
12 Identification Number (TIN) for this application.

13 23. On May 20, 2004, MARCELINO J. LASERNA created a file in the MVD computer  
14 for a driver's license application in the name of Jong Yeon Hwang, having received this  
15 application from EUN YOUNG LEE, and knowing that LEE had created a false and fraudulent  
16 Taxpayer Identification Number (TIN) for this application.

17 24. On May 25, 2004, MARCELINO J. LASERNA created two files in the MVD  
18 computer for driver's license applications in the names of Jun Sung Min and Hae Sook Kang,  
19 having received these applications from EUN YOUNG LEE, and knowing that LEE had created  
20 a false and fraudulent Taxpayer Identification Number (TIN) for each application.

21 25. On August 26, 2004, MARCELINO J. LASERNA created a file in the MVD  
22 computer for a driver's license application in the name of Jae Min Lee, having received this  
23 application from EUN YOUNG LEE, and knowing that LEE had created a false and fraudulent  
24 Taxpayer Identification Number (TIN) for this application.

25 26. On October 25, 2004, MARCELINO J. LASERNA created two files in the MVD  
26 computer for driver's license applications in the names of Tae Kwun Jung and Won Il Koh,  
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1 having received these applications from EUN YOUNG LEE, and knowing that LEE had created  
2 a false and fraudulent Taxpayer Identification Number (TIN) for each application.

3 27. On November 9, 2004, MARCELINO J. LASERNA created two files in the MVD  
4 computer for driver's license applications in the names of In Hwan Cho and Hyuk Su Kang,  
5 having received these applications from EUN YOUNG LEE, and knowing that LEE had created  
6 a false and fraudulent Taxpayer Identification Number (TIN) for each application.

7 28. On November 30, 2004, MARCELINO J. LASERNA created three files in the MVD  
8 computer for driver's license applications in the names of Myung Sug Kim, Jae Hoan Seok and  
9 Tae Ho Kim, having received these applications from EUN YOUNG LEE, and knowing that  
10 LEE had created a false and fraudulent Taxpayer Identification Number (TIN) for each  
11 application.

12 29. On March 11, 2005, MARCELINO J. LASERNA created a file in the MVD  
13 computer for a learner's permit application in the name of Hak Ja Park, having received this  
14 application from EUN YOUNG LEE, and knowing that LEE had created a false and fraudulent  
15 Taxpayer Identification Number (TIN) for this application.

16 30. On August 3, 2005, MARCELINO J. LASERNA created a file in the MVD computer  
17 for a driver's license application in the name of Sung Kyu Hong, having received this application  
18 from EUN YOUNG LEE, and knowing that LEE had created a false and fraudulent Taxpayer  
19 Identification Number (TIN) for this application.

20 ALL IN VIOLATION OF Title 18, United States Code, Sections 2 and 371.

21 COUNT II - CRIMINAL CONSPIRACY

22 31. Paragraphs 1 through 14 are incorporated and realleged herein.

23 32. Beginning on or about February 4, 2004, and continuing through March, 2005, within  
24 the District of Guam, the defendants herein, EUN YOUNG LEE, and JOHN W.C. DUENAS, did  
25 willfully and knowingly combine, conspire, confederate and agree with each other and with  
26 others both known and unknown to the Grand Jury, to commit the offense of Fraud in  
27  
28

1 Connection with Identification Documents, in violation of Title 18, United States Code, Section  
2 1028(a)(1), and to aid, abet, counsel, command, induce and procure the conspiracy charged in  
3 this count and willfully cause others to perform acts and make statements in furtherance of the  
4 conspiracy, and did perform the following overt acts for the purpose of carrying out the  
5 conspiracy:

6 33. On May 5, 2004, JOHN W.C. DUENAS created a file in the MVD computer for a  
7 driver's license application in the name of Sang Jin Park, having received this application from  
8 EUN YOUNG LEE, and knowing that LEE had created a false and fraudulent Taxpayer  
9 Identification Number (TIN) for this application.

10 34. On July 6, 2004, JOHN W.C. DUENAS created two files in the MVD computer for  
11 driver's license applications in the names of Ha Young Kim and You Soon Kim, having received  
12 these applications from EUN YOUNG LEE, and knowing that LEE had created a false and  
13 fraudulent Taxpayer Identification Number (TIN) for each application.

14 35. On August 3, 2004, JOHN DUENAS created two files in the MVD computer for  
15 driver's license applications in the names of Sang C Ryu and Jeong Min Ham, having received  
16 these applications from EUN YOUNG LEE, and knowing that LEE had created a false and  
17 fraudulent Taxpayer Identification Number (TIN) for each application.

18 ALL IN VIOLATION OF Title 18, United States Code, Sections 2 and 371.

19 COUNT III - CRIMINAL CONSPIRACY

20 36. Paragraphs 1 through 14 are incorporated and realleged herein.

21 37. Beginning on or about February 4, 2004, and continuing through March, 2005, within  
22 the District of Guam, the defendants herein, EUN YOUNG LEE, and MARY C. GARCIA, did  
23 willfully and knowingly combine, conspire, confederate and agree with each other and with  
24 others both known and unknown to the Grand Jury, to commit the offense of Fraud in  
25 Connection with Identification Documents, in violation of Title 18, United States Code, Section  
26 1028(a)(1), and to aid, abet, counsel, command, induce and procure the conspiracy charged in  
27  
28



1 this count and willfully cause others to perform acts and make statements in furtherance of the  
2 conspiracy. and did perform the following overt acts for the purpose of carrying out the  
3 conspiracy:

4 38. On July 20, 2004, MARY C. GARCIA created three files in the MVD computer for  
5 driver's license applications in the names of Kil Ja Lee, Keun Seok Bang and Jin Woo Park,  
6 having received these applications from EUN YOUNG LEE, and knowing that LEE had created  
7 a false and fraudulent Taxpayer Identification Number (TIN) for each application.

8 39. On July 20, 2005, MARY C. GARCIA created a file in the MVD computer for a  
9 driver's license application in the name of Kyung Ja Park, having received this application from  
10 EUN YOUNG LEE, and knowing that LEE had created a false and fraudulent Taxpayer  
11 Identification Number (TIN) for this application.

12 40. On August 2, 2005, MARY C. GARCIA created a file in the MVD computer for a  
13 driver's license application in the name of Jum Soo Park, having received this application from  
14 EUN YOUNG LEE, and knowing that LEE had created a false and fraudulent Taxpayer  
15 Identification Number (TIN) for this application.

16 ALL IN VIOLATION OF Title 18, United States Code, Sections 2 and 371.

17 COUNT IV - CRIMINAL CONSPIRACY

18 41. Paragraphs 1 through 14 are incorporated and realleged herein.

19 42. Beginning on or about February 4, 2004, and continuing through March, 2005, within  
20 the District of Guam, the defendants herein, EUN YOUNG LEE, and JOSEPH PANGELINAN,  
21 did willfully and knowingly combine, conspire, confederate and agree with each other and with  
22 others both known and unknown to the Grand Jury, to commit the offense of Fraud in  
23 Connection with Identification Documents, in violation of Title 18, United States Code, Section  
24 1028(a)(1), and to aid, abet, counsel, command, induce and procure the conspiracy charged in  
25 this count and willfully cause others to perform acts and make statements in furtherance of the  
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1 conspiracy, and did perform the following overt acts for the purpose of carrying out the  
2 conspiracy:

3 43. On March 16, 2004, JOSEPH PANGELINAN created a file in the MVD computer  
4 for a driver's license application in the name of Ok Sun Kim, having received this application  
5 from EUN YOUNG LEE, and knowing that LEE had created a false and fraudulent Taxpayer  
6 Identification Number (TIN) for this application.

7 44. On March 15, 2005, JOSEPH PANGELINAN created a file in the MVD computer  
8 for a driver's license application in the name of Tong Hun Lee, having received this application  
9 from EUN YOUNG LEE, and knowing that LEE had created a false and fraudulent Taxpayer  
10 Identification Number (TIN) for this application.

11 45. On March 29, 2005, JOSEPH PANGELINAN created two files in the MVD  
12 computer for driver's license applications in the names of Tae Sung Choi, and Sang Mee Chun,  
13 having received these applications from EUN YOUNG LEE, and knowing that LEE had created  
14 a false and fraudulent Taxpayer Identification Number (TIN) for each application.

15 46. On April 12, 2005, JOSEPH PANGELINAN created three files in the MVD  
16 computer for driver's license applications in the names of Yu Suk Kang, Yeong Beom Gim, and  
17 Ang Mi Choi, having received these applications from EUN YOUNG LEE, and knowing that  
18 LEE had created a false and fraudulent Taxpayer Identification Number (TIN) for each  
19 application.

20 ALL IN VIOLATION OF Title 18, United States Code, Sections 2 and 371.

21 COUNT V - CRIMINAL CONSPIRACY

22 47. Paragraphs 1 through 14 are incorporated and realleged herein.

23 48. Beginning on or about February 4, 2004, and continuing through March, 2005, within  
24 the District of Guam, the defendants herein, EUN YOUNG LEE, and FRANCISCO SN  
25 KAWAMOTO, did willfully and knowingly combine, conspire, confederate and agree with each  
26 other and with others both known and unknown to the Grand Jury, to commit the offense of  
27  
28

1 Fraud in Connection with Identification Documents, in violation of Title 18, United States Code,  
2 Section 1028(a)(1), and to aid, abet, counsel, command, induce and procure the conspiracy  
3 charged in this count and willfully cause others to perform acts and make statements in  
4 furtherance of the conspiracy, and did perform the following overt acts for the purpose of  
5 carrying out the conspiracy:

6 49. On May 26, 2004, FRANCISCO SN KAWAMOTO created two files in the MVD  
7 computer for driver's license applications in the names of Haeng Hwa Lee and Jung Il Chae,  
8 having received these applications from EUN YOUNG LEE, and knowing that LEE had created  
9 a false and fraudulent Taxpayer Identification Number (TIN) for each application.

10 50. On January 31, 2005, FRANCISCO SN KAWAMOTO created a file in the MVD  
11 computer for a driver's license application in the name of Sang Ho Kim, having received this  
12 application from EUN YOUNG LEE, and knowing that LEE had created a false and fraudulent  
13 Taxpayer Identification Number (TIN) for this application.

14 51. On May 3, 2005, FRANCISCO SN KAWAMOTO created a file in the MVD  
15 computer for a driver's license application in the name of Mi Jung Kim, having received this  
16 application from EUN YOUNG LEE, and knowing that LEE had created a false and fraudulent  
17 Taxpayer Identification Number (TIN) for this application.

18 52. On August 2, 2005, FRANCISCO SN KAWAMOTO created a file in the MVD  
19 computer for a driver's license application in the name of Dong Mi Kang, having received this  
20 application from EUN YOUNG LEE, and knowing that LEE had created a false and fraudulent  
21 Taxpayer Identification Number (TIN) for this application.

22 53. On September 14, 2005, FRANCISCO SN KAWAMOTO created a file in the MVD  
23 computer for a driver's license application in the name of Dong Mi Kang, having received this  
24 application from EUN YOUNG LEE, and knowing that LEE had created a false and fraudulent  
25 Taxpayer Identification Number (TIN) for this application.

26 ALL IN VIOLATION OF Title 18, United States Code, Sections 2 and 371.  
27  
28

COUNT VI - CRIMINAL CONSPIRACY

54. Paragraphs 1 through 14 are incorporated and realleged herein.

55. Beginning on or about February 4, 2004, and continuing through March, 2005, within the District of Guam, the defendants herein, EUN YOUNG LEE, and MARGARET B. UNTALAN, did willfully and knowingly combine, conspire, confederate and agree with each other and with others both known and unknown to the Grand Jury, to commit the offense of Fraud in Connection with Identification Documents, in violation of Title 18, United States Code, Section 1028(a)(1), and to aid, abet, counsel, command, induce and procure the conspiracy charged in this count and willfully cause others to perform acts and make statements in furtherance of the conspiracy, and did perform the following overt acts for the purpose of carrying out the conspiracy:

56. On April 14, 2004, MARGARET B. UNTALAN created a file in the MVD computer for a driver's license application in the name of Sung Jun Han, having received this application from EUN YOUNG LEE, and knowing that LEE had created a false and fraudulent Taxpayer Identification Number (TIN) for this application.

57. On January 18, 2005, MARGARET B. UNTALAN created three files in the MVD computer for driver's license applications and a learner's permit in the names of Dong Sik Jung, Min Chul Lee, and Ji Eon Lee, having received these applications from EUN YOUNG LEE, and knowing that LEE had created a false and fraudulent Taxpayer Identification Number (TIN) for each application, which TIN purported to be the applicant's lawful identification.

58. On November 9, 2005, MARGARET B. UNTALAN created a file in the MVD computer for a driver's license application in the name of Young Nam Kim, having received this application from EUN YOUNG LEE, and knowing that LEE had created a false and fraudulent Taxpayer Identification Number (TIN) for this application.

59. On November 28, 2005, MARGARET B. UNTALAN created a file in the MVD computer for a beginner's permit application in the name of Jung Ja Oh, having received this

1 application from EUN YOUNG LEE and Jung Suk Kim, and knowing that this application bore  
2 a false and fraudulent Taxpayer Identification Number (TIN).

3 ALL IN VIOLATION OF Title 18, United States Code, Sections 2 and 371.

4 COUNT VII - FRAUD IN CONNECTION WITH IDENTIFICATION DOCUMENTS

5 60. Paragraphs 1 through 14 are incorporated and realleged herein.

6 61. On or about March 10, 2004, in the District of Guam, the defendants herein,  
7 MARCELINO J. LASERNA and EUN YOUNG LEE, did knowingly and without lawful  
8 authority produce more than five (5) identification documents, authentication features and false  
9 identification documents, to-wit:

10 a) Guam driver's license number 122 809 6863 in the name Sung Min Shin, by means of  
11 a false TIN, 936-72-6981;

12 b) Guam driver's license number 122 809 6865 in the name Ki Cheol Han, by means of a  
13 false TIN, 943-72-5685;

14 c) Guam learner's permit in the name of Jung Soo Yang, by means of a false TIN, 943-  
15 79-5679;

16 d) Guam driver's license number 122 809 6843 in the name Young Min Ko, by means of  
17 a false TIN, 936-72-6975;

18 e) Guam driver's license number 122 809 6868 in the name of Geun Jae Lee, by means of  
19 a false TIN, 989-14-5678;

20 f) Guam driver's license number 122 809 6852 in the name of Seung Pill Choi, by means  
21 of a false TIN, 953-19-0616; and

22 g) Guam driver's license number 122 809 6842 in the name of Dong Pyo Hong, by means  
23 of a false TIN, 943-01-0203,

24 and the production of said driver's licenses and permits was in and affected interstate and foreign  
25 commerce,

26 ALL IN VIOLATION of Title 18, United States Code, Sections 2, 1028(a)(1),  
27 1028(b)(1)(A)(ii), 1028(b)(1)(B), 1028(c)(1) & 1028(c)(3)(A).

1 COUNT VIII - FRAUD IN CONNECTION WITH IDENTIFICATION DOCUMENT

2 62. Paragraphs 1 through 14 are incorporated and realleged herein.

3 63. On or about June 4, 2004, in the District of Guam, the defendants herein,  
4 MARCELINO J. LASERNA and EUN YOUNG LEE, did knowingly and without lawful  
5 authority produce two (2) identification documents, authentication features and false  
6 identification documents, to-wit: Guam driver's license number 122 810 0584 in the name Jun  
7 Sung Min, by means of a false TIN, 952-89-0139; and Guam driver's license number 122 810  
8 0582 in the name Hae Sook Kang, by means of a false TIN, 953-40-1750, and the production of  
9 said driver's licenses was in and affected interstate and foreign commerce,

10 ALL IN VIOLATION of Title 18, United States Code, Sections 2, 1028(a)(1),  
11 1028(b)(1)(A)(ii), 1028(c)(1) & 1028(c)(3)(A).

12 COUNT IX - FRAUD IN CONNECTION WITH IDENTIFICATION DOCUMENT

13 64. Paragraphs 1 through 14 are incorporated and realleged herein.

14 65. On or about November 4, 2004, in the District of Guam, the defendants herein,  
15 MARCELINO J. LASERNA and EUN YOUNG LEE, did knowingly and without lawful  
16 authority produce three (3) identification documents, authentication features and false  
17 identification documents, to-wit: Guam driver's license number 122 810 5782 in the name Jae  
18 Min Lee, by means of a false TIN, 946-19-8060; Guam driver's license number 122 810 5786 in  
19 the name Tae Kwun Jung by means of a false TIN, 952-72-0968; and Guam driver's license  
20 number 122 810 5781 in the name Won Il Koh, by means of a false TIN, 952-07-1208, and the  
21 production of said driver's licenses was in and affected interstate and foreign commerce,

22 ALL IN VIOLATION of Title 18, United States Code, Sections 2, 1028(a)(1),  
23 1028(b)(1)(A)(ii), 1028(c)(1) & 1028(c)(3)(A).

24 COUNT X - FRAUD IN CONNECTION WITH IDENTIFICATION DOCUMENT

25 66. Paragraphs 1 through 14 are incorporated and realleged herein.

26 67. On or about December 13, 2004, in the District of Guam, the defendants herein,  
27 MARCELINO J. LASERNA and EUN YOUNG LEE, did knowingly and without lawful  
28

1 authority produce an identification document, authentication feature and false identification  
2 document, to-wit: Guam driver's license number 122 810 6836 in the name Jae Hoan Seok, by  
3 means of a false TIN, 963-90-1908, and the production of said driver's licenses was in and  
4 affected interstate and foreign commerce,

5 ALL IN VIOLATION of Title 18, United States Code, Sections 2, 1028(a)(1),  
6 1028(b)(1)(A)(ii), 1028(c)(1) & 1028(c)(3)(A).

7 COUNT XI - FRAUD IN CONNECTION WITH IDENTIFICATION DOCUMENT

8 68. Paragraphs 1 through 14 are incorporated and realleged herein.

9 69. On or about March 24, 2005, in the District of Guam, the defendants herein, JOSEPH  
10 PANGELINAN and EUN YOUNG LEE, did knowingly and without lawful authority produce an  
11 identification document, authentication feature and false identification document, to-wit: a Guam  
12 driver's license number 122 810 8858 in the name Tong Hun Lee, by means of a false TIN, 952-  
13 13-4058, and the production of said learner's permit was in and affected interstate and foreign  
14 commerce,

15 ALL IN VIOLATION of Title 18, United States Code, Sections 2, 1028(a)(1),  
16 1028(b)(1)(A)(ii), 1028(c)(1) & 1028(c)(3)(A).

17 COUNT XII - FRAUD IN CONNECTION WITH IDENTIFICATION DOCUMENT

18 70. Paragraphs 1 through 14 are incorporated and realleged herein.

19 71. On or about April 8, 2005, in the District of Guam, the defendants herein, JOSEPH  
20 PANGELINAN and EUN YOUNG LEE, did knowingly and without lawful authority produce  
21 two identification documents, authentication features and false identification documents, to-wit:  
22 Guam driver's license number 122 810 9153 in the name Tae Sung Choi, by means of a false  
23 TIN, 952-80-1058, and an illegal duplicate driver's license in the name Mike Park, number 122  
24 810 8937, and the production of said driver's license was in and affected interstate and foreign  
25 commerce,

26 ALL IN VIOLATION of Title 18, United States Code, Sections 2, 1028(a)(1),  
27 1028(b)(1)(A)(ii), 1028(c)(1) & 1028(c)(3)(A).

COUNT XIII - FRAUD IN CONNECTION WITH IDENTIFICATION DOCUMENT

72. Paragraphs 1 through 14 are incorporated and realleged herein.

73. On or about April 21, 2005, in the District of Guam, the defendants herein, JOSEPH PANGELINAN and EUN YOUNG LEE, did knowingly and without lawful authority produce two identification documents, authentication features and false identification documents, to-wit: Guam driver's license number 122 810 9358 in the name Yu Suk Kang, by means of a false TIN, 963-72-2809, and Guam Driver's license number 122 810 9359 in the name Yeong Beom Gim, by means of a false TIN, 952-73-7051, and the production of said driver's licenses was in and affected interstate and foreign commerce,

ALL IN VIOLATION of Title 18, United States Code, Sections 2, 1028(a)(1), 1028(b)(1)(A)(ii), 1028(c)(1) & 1028(c)(3)(A).

COUNT XIV - FRAUD IN CONNECTION WITH IDENTIFICATION DOCUMENT

74. Paragraphs 1 through 14 are incorporated and realleged herein.

75. On or about January 27, 2005, in the District of Guam, the defendants herein, MARGARET B. UNTALAN and EUN YOUNG LEE, did knowingly and without lawful authority produce two identification documents, authentication features and false identification documents, to-wit: Guam driver's license 122 810 7744 in the name Min Chul Lee, by means of a false TIN, 952-70-4916, and a Guam learner's permit in the name Ji Eon Lee, by means of a false TIN, 952-80-7064, and the production of said driver's license and learner's permit was in and affected interstate and foreign commerce,

ALL IN VIOLATION of Title 18, United States Code, Sections 2, 1028(a)(1), 1028(b)(1)(A)(ii), 1028(c)(1) & 1028(c)(3)(A).

COUNT XV - FRAUD IN CONNECTION WITH IDENTIFICATION DOCUMENT

76. Paragraphs 1 through 14 are incorporated and realleged herein.

77. On or about December 7, 2005, in the District of Guam, the defendants herein, MARGAET B. UNTALAN and EUN YOUNG LEE, did knowingly and without lawful authority produce an identification document, authentication feature and false identification document, to-



1 wit: a Guam learner's permit in the name Jung Ja Oh, by means of a false TIN, 952-01-4611, and  
2 the production of said learner's permit was in and affected interstate and foreign commerce.

3 ALL IN VIOLATION of Title 18, United States Code, Sections 2, 1028(a)(1),  
4 1028(b)(1)(A)(ii), 1028(c)(1) & 1028(c)(3)(A).

5 COUNT XVI - FRAUD IN CONNECTION WITH IDENTIFICATION DOCUMENT

6 78. Paragraphs 1 through 14 are incorporated and realleged herein.

7 79. On or about July 14, 2004, in the District of Guam, the defendants herein, JOHN  
8 DUENAS and EUN YOUNG LEE, did knowingly and without lawful authority produce an  
9 identification document, authentication feature and false identification document, to-wit: Guam  
10 driver's license number 122 810 1989 in the name You Soon Kim by means of a false TIN, 946-  
11 15-9803, and the production of said driver's license was in and affected interstate and foreign  
12 commerce,

13 ALL IN VIOLATION of Title 18, United States Code, Sections 2, 1028(a)(1),  
14 1028(b)(1)(A)(ii), 1028(c)(1) & 1028(c)(3)(A).

15 COUNT XVII - FRAUD IN CONNECTION WITH IDENTIFICATION DOCUMENT

16 80. Paragraphs 1 through 14 are incorporated and realleged herein.

17 81. On or about August 11, 2004, in the District of Guam, the defendants herein, JOHN  
18 DUENAS and EUN YOUNG LEE, did knowingly and without lawful authority produce an  
19 identification document, authentication feature and false identification document, to-wit: Guam  
20 driver's license number 122 810 2977 in the name Jeong Min Ham, by means of a false TIN,  
21 946-09-8514 and the production of said driver's license was in and affected interstate and foreign  
22 commerce,

23 ALL IN VIOLATION of Title 18, United States Code, Sections 2, 1028(a)(1),  
24 1028(b)(1)(A)(ii), 1028(c)(1) & 1028(c)(3)(A).

25 COUNT XVIII - FRAUD IN CONNECTION WITH IDENTIFICATION DOCUMENT

26 82. Paragraphs 1 through 14 are incorporated and realleged herein.

27 83. On or about August 12, 2004, in the District of Guam, the defendants herein, JOHN  
28



1 DUENAS and EUN YOUNG LEE, did knowingly and without lawful authority produce an  
2 identification document, authentication feature and false identification document, to-wit: Guam  
3 driver's license number 122 810 3034 in the name Sang C Ryu, by means of a false TIN, 953-09-  
4 1094, and the production of said driver's license was in and affected interstate and foreign  
5 commerce,

6 ALL IN VIOLATION of Title 18, United States Code, Sections 2, 1028(a)(1),  
7 1028(b)(1)(A)(ii), 1028(c)(1) & 1028(c)(3)(A).

8 COUNT XIX - FRAUD IN CONNECTION WITH IDENTIFICATION DOCUMENT

9 84. Paragraphs 1 through 14 are incorporated and realleged herein.

10 85. On or about June 4, 2004, in the District of Guam, the defendants herein,  
11 FRANCISCO SN KAWAMOTO and EUN YOUNG LEE, did knowingly and without lawful  
12 authority produce an identification document, authentication feature and false identification  
13 document, to-wit: Guam driver's license number 122 810 0592 in the name Haeng Hwa Lee, by  
14 means of a false TIN, 953-12-0756, and the production of said learner's permit was in and  
15 affected interstate and foreign commerce,

16 ALL IN VIOLATION of Title 18, United States Code, Sections 2, 1028(a)(1),  
17 1028(b)(1)(A)(ii), 1028(c)(1) & 1028(c)(3)(A).

18 COUNT XX - FRAUD IN CONNECTION WITH IDENTIFICATION DOCUMENT

19 86. Paragraphs 1 through 14 are incorporated and realleged herein.

20 87. On or about May 12, 2005, in the District of Guam, the defendants herein,  
21 FRANCISCO SN KAWAMOTO and EUN YOUNG LEE, did knowingly and without lawful  
22 authority produce an identification document, authentication feature and false identification  
23 document, to-wit: Guam driver's license number 122 810 9667 in the name Mi Jung Kim, by  
24 means of a false TIN, 952-10-2806, and the production of said driver's license was in and  
25 affected interstate and foreign commerce,

26 ALL IN VIOLATION of Title 18, United States Code, Sections 2, 1028(a)(1),  
27 1028(b)(1)(A)(ii), 1028(c)(1) & 1028(c)(3)(A).

COUNT XXI - FRAUD IN CONNECTION WITH IDENTIFICATION DOCUMENT

88. Paragraphs 1 through 14 are incorporated and realleged herein.

89. On or about July 27, 2004, in the District of Guam, the defendants herein, MARY C. GARCIA and EUN YOUNG LEE, did knowingly and without lawful authority produce an identification document, authentication feature and false identification document, to-wit: a Guam learner's permit in the name of Kil Ja Lee, by means of a false TIN, 952-71-7923, and the production of said learner's permit was in and affected interstate and foreign commerce,

ALL IN VIOLATION of Title 18, United States Code, Sections 2, 1028(a)(1), 1028(b)(1)(A)(ii), 1028(c)(1) & 1028(c)(3)(A).

COUNT XXII - FRAUD IN CONNECTION WITH IDENTIFICATION DOCUMENT

90. Paragraphs 1 through 14 are incorporated and realleged herein.

91. On or about July 28, 2004, in the District of Guam, the defendants herein, MARY C. GARCIA and EUN YOUNG LEE, did knowingly and without lawful authority produce an identification document, authentication feature and false identification document, to-wit: Guam driver's license number 122 810 2441 in the name Keun Seok Bang, by means of a false TIN, 952-02-0460, and the production of said driver's license was in and affected interstate and foreign commerce,

ALL IN VIOLATION of Title 18, United States Code, Sections 2, 1028(a)(1), 1028(b)(1)(A)(ii), 1028(c)(1) & 1028(c)(3)(A).

COUNT XXIII - FRAUD IN CONNECTION WITH IDENTIFICATION DOCUMENT

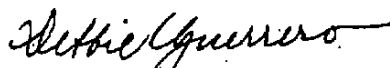
92. Paragraphs 1 through 14 are incorporated and realleged herein.

93. On or about July 28, 2005, in the District of Guam, the defendants herein, MARY C. GARCIA and EUN YOUNG LEE, did knowingly and without lawful authority produce an identification document, authentication feature and false identification document, to-wit: Guam driver's license number 122 811 0900 in the name Kyung Ja Park, by means of a false TIN, 952-70-4019, and the production of said driver's license was in and affected interstate and foreign commerce.


1 ALL IN VIOLATION of Title 18, United States Code, Sections 2, 1028(a)(1),  
2 1028(b)(1)(A)(ii), 1028(c)(1) & 1028(c)(3)(A).

3 Dated this 23<sup>rd</sup> day of January, 2008.

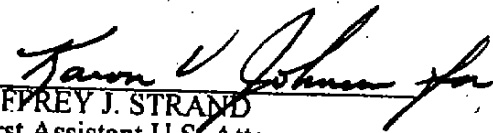
4 A TRUE BILL.

5  
6   
7 DEBBIE LEON GUERRERO  
Foreperson

8 LEONARDO M. RAPADAS  
9 United States Attorney  
Districts of Guam and NMI

10  
11 By:   
12 KARON V. JOHNSON  
Assistant U.S. Attorney

13 Reviewed:

14  
15 By:   
16 JEFFREY J. STRAND  
First Assistant U.S. Attorney

UNITED STATES DISTRICT COURT  
UNITED STATES OF AMERICA

vs.

Mary E. Garcia

AUSA Bond Approval: **CEM**

**FILED**

APPEARANCE BOND  
FOR CASE NUMBER

FEB - 8 2008

08 mj 0359

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

I, the undersigned defendant, and ~~we, the sureties, jointly and severally~~ acknowledge that we and our personal representatives, jointly and severally are bound to pay the United States of America the sum of \$ 10,000, and there has been deposited in the Registry of the Court the sum of \$ \_\_\_\_\_ in cash or the amount of the bond is secured by \_\_\_\_\_ (describe other security)

The conditions of this bond are that the defendant is to appear as ordered by the United States District Court for the Southern District of California at San Diego, and at such other places as the defendant may be required to appear, in accordance with any and all orders and directions relating to the defendant's appearance in the above-entitled matter as may be given or issued by a Federal Judge or by the United States District Court to which the defendant may be removed or the cause transferred; that the defendant is not to depart the State of California, or the jurisdiction of any other United States District Court to which the defendant may be removed or the cause transferred after he has appeared in such other district pursuant to the terms of this bond, except in accordance with such orders or warrants as may be issued by a Federal Judge or the United States District Court for the Southern District of California or the United States District Court for such other district; that the defendant is to abide any judgment entered in such matter by surrendering himself to serve any sentence imposed and obeying any order or direction in connection with such judgment as the court imposing it may prescribe. Further, the conditions of pretrial release set forth in the order filed in this matter and a part of the record therein are further conditions of this bond.

If the defendant appears as ordered and otherwise obeys and performs the foregoing conditions of this bond, then this bond is to be void, but if the defendant fails to obey or perform any of these conditions, payment of the amount of this bond shall be due forthwith. Forfeiture of this bond for any breach of its conditions may be declared by any United States District Court having cognizance of the above-entitled matter at the time of such breach and if the bond is forfeited and if the forfeiture is not set aside or remitted, judgment may be entered upon motion in such United States District Court against each debtor jointly and severally for the amount above stated, together with interest and costs, and execution may be issued and payment secured as provided by the Federal Rules of Criminal Procedure and by other laws of the United States.

It is agreed and understood that this is a continuing bond (including any proceeding on appeal or review) which shall continue in full force and effect until such time as the undersigned are duly exonerated by court order.

This appearance bond fully incorporates by this reference each surety addendum attached hereto for those Sureties to this bond.

This bond signed on 9 February, 20 08, at 10am.

Defendant's Signature: Mary Garcia

Surety's Signature: Mary Garcia

Surety's Signature: \_\_\_\_\_

Signature of Witness of Surety's Signature: Candi Martinez

Signed and acknowledged before me, the witness, on 9 February, 20 08

Approved: Aubor Powell, Federal Judge

I hereby attest and certify on 2/11/08  
That the foregoing document is a full, true and correct copy of the original on file in my office and in my legal custody.

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

By P. Delacruz Deputy

### ADVICE OF PENALTIES AND SANCTIONS

Violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for the defendant's arrest, a revocation of release, an order of detention, as provided in 18 U.S.C. § 3148, and a prosecution for contempt as provided in 18 U.S.C. § 401 which could result in a possible term of imprisonment and/or a fine.

The commission of any offense while on pretrial release may result in an additional sentence upon conviction for such offense to a term of imprisonment of not less than two years nor more than ten years, if the offense is a felony; or a term of imprisonment of not less than ninety days nor more than one year, if the offense is a misdemeanor. This sentence shall be consecutive to any other sentence and must be imposed in addition to the sentence received for the offense itself.

18 U.S.C. § 1503 makes it a criminal offense punishable by up to five years in jail and a \$250,000 fine to intimidate or attempt to intimidate a witness, juror or officer of the court; 18 U.S.C. § 1510 makes it a criminal offense punishable by up to five years in jail and a \$250,000 fine to obstruct a criminal investigation; 18 U.S.C. § 1512 makes it a criminal offense punishable by up to ten years in prison and a \$250,000 fine to tamper with a witness, victim or informant; and 18 U.S.C. § 1513 makes it a criminal offense punishable by up to ten years in jail and a \$250,000 fine to retaliate against a witness, victim or informant, or threaten or attempt to do so.

It is a criminal offense under 18 U.S.C. § 3146, if after having been released, the defendant knowingly fails to appear as required by the conditions of release, or to surrender for the service of sentence pursuant to a court order. If the defendant fails to appear or surrender and the defendant was released in connection with a charge of, or while awaiting sentence, surrender for the service of a sentence, or appeal or certiorari after conviction for:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, the defendant shall be fined not more than \$250,000 or imprisoned for not more than ten years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, the defendant shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, the defendant shall be fined not more than \$250,000 or imprisoned not more than two years or both;
- (4) a misdemeanor, the defendant shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be consecutive to the sentence of imprisonment for another offense. In addition, a failure to appear may result in the forfeiture of any bail posted.

### ACKNOWLEDGMENT OF DEFENDANT

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

Date: 8 February 2008

x Mary Garcia  
Signature of Defendant

K:\COMMONCSA\forms\2005\BoedForms.wpd

CASE NAME: United States v Mary Garcia CASE NO. 08mj0359

**BAIL INFORMATION SHEET**

Defendant Information:

Name: Mary Garcia

Date of Birth: September 23, 1954 S.S.#: 368-92-2479

Immigration status: US citizen "A" Number: \_\_\_\_\_

Home address: 13090 Wimberly Sq #55 San Diego, CA 92128

Home phone: 619-925-0700

Employer's name: Labcorp

Employer's address: 11314 Evening Creek, San Diego, CA 92128

Length of employment: 10 months Work phone: 668-3500

Name(s), address(es), and phone number(s) of person(s) with whom defendant will live during pendency of case. Julie Murakami (aunt), 106 West Al Baralo Court,

Dededo, Guam 96929; (671) 637-5076

Name(s) address(es), and phone number(s) of person(s) residing in United States who will know how to contact defendant; aside from sureties on this bond. Julie Murakami, same as above;

Tony Garcia, 13090 Wimberly Square, San Diego, CA 92128;

619-925-0700

Defense Attorney Information:

Name: David Peterson Address: 225 Broadway, Suite 900, San Diego CA

92109

Phone: 619-234-8467

AUSA **CEM** (initials)

CASE NAME: United States v Mary Garcia CASE NO. 08mj0359

**SURETY ADDENDUM TO APPEARANCE BOND ( 2 pages)**  
(Use separate addendum for each surety)

**ATTACH PHOTOCOPIES OF TWO PIECES OF IDENTIFICATION,  
INCLUDING AT LEAST ONE PICTURE I.D. FOR EACH SURETY**

Surety's Name: Mary Garcia

Date of Birth: 09/23/54 S.S.# 508-92-2170

Immigration Status: US citizen "A" Number: \_\_\_\_\_

Home address: 13090 Wimberly Square #55, San Diego, CA, 92128

Home Phone: 619-925-0700

Surety's relationship to defendant: Self

**EMPLOYMENT AND SALARY INFORMATION:**

Employer's name: Labcorp

Employer's address: 11314 Evening Creek, San Diego, CA 92128

Length of employment: 10 months Work phone: 619-668-3500

Monthly salary (gross): \$ 1600/mo

**ADDITIONAL INCOME INFORMATION: (complete if applicable)**

Source of additional income: \_\_\_\_\_

Amount of additional income: \$ \_\_\_\_\_

**REAL PROPERTY OWNED: (if more than one piece of property is owned please use  
additional sheet)**

Address: \_\_\_\_\_

Value of Property: \$ \_\_\_\_\_ Equity in property: \$ \_\_\_\_\_

Holder(s) of trust deed(s): \_\_\_\_\_

Are payments/taxes current? \_\_\_\_\_

Is proof of surety's title to property attached? \_\_\_\_\_ Appraisal? \_\_\_\_\_

AUSA CSM (initials) SURETY AMB (initials)

**AFFIDAVIT BY OWNER OF CASH SECURITY (complete if applicable)**

I, \_\_\_\_\_, on oath say that the \$ \_\_\_\_\_ cash deposited as security on the foregoing bond is owned by me and is to be returned to me at the address listed on page one of this surety addendum upon exoneration of this bond.

I hereby subject said funds to the provisions of Local Court Rule 67.1 and consent and agree that in case of default or contumacy on the part of the principal, the Court may, upon notice to me of not less than ten days, proceed summarily and render judgment against said cash security in accordance with my obligation herein and award execution thereon.

**JUSTIFICATION OF SURETY AND SURETY AGREEMENT**

I, Mary Garcia, the undersigned surety, declare under penalty of perjury, that my net worth is the sum of \$ 10,000 and that I have read and understand this two page Surety Addendum in its entirety. I further understand that by signing the appearance bond and this surety addendum to the appearance bond, I will be responsible for the defendant's appearances in court and the defendant's compliance with all conditions of release as ordered by the court. If the defendant does not appear or comply with the conditions of release, I will be required to pay the amount of the bond, any security I have posted may be taken by the Government to satisfy the bond, and a judgment may be entered against me. If judgment is entered against me a Judgment Lien will be filed with the County Recorder in all appropriate counties for the full amount of the bond.

I declare under the penalty of perjury that all information contained in this bond and on this Surety Addendum is true, accurate, and complete. (Penalty for false statements: \$250,000 fine and/or five years imprisonment, 18 U.S.C. § 1001.)

Signature of surety: *Mary Garcia* Date: 8 Feb 2008

Printed name and address of witness to surety's signature: Candis Mitchell, 229 Broadway  
Suite 210, San Diego, CA 92109

Signature of witness: *Candis Mitchell* Date: 8 Feb 2008

AUSA CSM (Initials)

DEFENSE ATTORNEY CSM (Initials)

Page 2 of 2 Surety Addendum



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

2008 FEB -8 P 3:08

UNITED STATES OF AMERICA

vs

Mary J. Garcia

CASE NUMBER

08mj0359

ABSTRACT OF ORDER

Booking No.

07145298

TO THE UNITED STATES MARSHAL AND / OR WARDEN, METROPOLITAN CORRECTIONAL CENTER:

Be advised that under date of

2/8/08

the Court entered the following order:

X

Defendant be released from custody.

Defendant placed on supervised / unsupervised probation / supervised release.

Defendant continued on supervised / unsupervised probation / supervised release

X

and released from custody.

Defendant released on \$ 10,000 P/S bond posted.

Defendant appeared in Court. FINGERPRINT & RELEASE.

Defendant remanded and ( \_\_\_\_\_ bond) ( \_\_\_\_\_ bond on appeal) exonerated.

Defendant sentenced to TIME SERVED, supervised release for \_\_\_\_\_ years.

c.c. judgment Court of Appeals ( \_\_\_\_\_ affirming) ( \_\_\_\_\_ reversing) decision of this Court:

\_\_\_\_\_ dismissing appeal filed.

Bench Warrant Recalled.

Defendant forfeited collateral.

Case Dismissed.

Defendant to be released to Pretrial Services for electronic monitoring.

Other.

2/11/08

I hereby attest and certify on \_\_\_\_\_  
That the foregoing document is a full, true and correct  
copy of the original on file in my office and in my legal  
custody.

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

Received By

DUSM

Deputy

UNITED STATES MAGISTRATE JUDGE

OR  
W. SAMUEL HAMRICK, JR. Clerk

by

Deputy Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA, Plaintiff, )  
v. )  
*Mary J. Garcia* )  
Defendant. )

CRIMINAL CASE NO. 08mj0359  
**ORDER AND CONDITIONS OF PRETRIAL  
RELEASE: BAIL (18 U.S.C. § 3142(c))**

A hearing was held to determine pretrial conditions of release of the defendant pursuant to 18 U.S.C. § 3142. The Federal Judge determined an unconditional release pursuant to 18 U.S.C. § 3142(b) is not sufficient to assure the appearance of the defendant and the safety of the community. Thus, conditions of pretrial release are necessary pursuant to 18 U.S.C. § 3142(c). *Good cause appearing,*

**IT IS ORDERED** that the defendant shall be released subject to the condition that the defendant: (a) *not commit a federal, state or local crime during the period of release, (b) make all court appearances and (c) comply with the conditions itemized below, as indicated by (✓), in accordance with 18 U.S.C. § 3142(c)(2):*

**STANDARD CONDITIONS:**

- ✓ 1. restrict travel to ☐ San Diego County, ☒ Southern District of California, ☐ Central District of California, ☐ State of California, ☐ United States, ☐ do not enter Mexico, ☒ other: District of Guam;
- ✓ 2. report for supervision to Pretrial Services Agency (PSA) as directed by the assigned PSO and pay for the reasonable costs of supervision in an amount determined by PSA and approved by the Court;
- ✓ 3. not possess or use any narcotic drug or controlled substance, (defined in 21 U.S.C. § 802), without a lawful medical prescription;
- ✓ 4. not possess any firearm, dangerous weapon or destructive device during the pendency of the case;
- ✓ 5. read, or have explained, and acknowledge understanding of the Advice of Penalties and Sanctions Form;
- ✓ 6. provide a current residence address and phone number prior to release and keep it current while case pending. 2/11/08

**ADDITIONAL CONDITIONS:**

- 7. be able to legally remain in the United States during pendency of the proceedings;
- 8. submit to treatment, and/or testing, as specified by the PSO, for: ☐ drugs or alcohol, and/or ☐ psychiatric or psychological counseling;
- 9. participate in a Global Positioning System (GPS) satellite monitoring program ☐ active ☐ passive, ☒ permissive travel for Defendant; including, release of defendant to PSA custody; and ☐ residence restrictions and/or ☐ permissive travel for Defendant. Defendant and sureties are responsible for GPS equipment loss or damage.
  - ☐ submit to supervision and custody of \_\_\_\_\_; and/or
  - ☐ remain at a specified residence (curfew) between the hours of \_\_\_\_\_ P.M. and \_\_\_\_\_ A.M. daily;
- 10. actively seek and maintain full-time employment, schooling, or combination of both;
- ✓ 11. execute a personal appearance bond in the amount of \$ 10,000 secured by:
  - ☐ a trust deed to the United States on real estate approved by a Federal Judge;
  - ☐ the co-signatures of \_\_\_\_\_ financially responsible (related) adults;
  - ☐ Nebbia Hearing ☐ Exam of Sureties ☒ other: Defendants Signature
- 12. provide the court with: ☐ a cash bond and/or ☐ execute a bail bond by an approved solvent corporate surety in the amount of \$ \_\_\_\_\_ that covers **ALL** conditions of release (not just appearances).
- 13. 18 U.S.C. § 3142(d) hold until \_\_\_\_\_; if no detainer is lodged by then, these conditions take effect.
- 14. clear all warrants/FTA's within \_\_\_\_\_ days of release.
- 15. all conditions previously set will remain the same.
- ✓ 16. other conditions: Defendant to appear before duty District or Magistrate Judge by February 15, 2008 in Guam.  
Defendant to report to Pretrial Services in Guam.

DATED: 2-8-08

cc: Defendant/Counsel & U.S. Pretrial Services

FEB 8 2008

*Arthur Bass*  
Federal Judge

Waiver of Rule 5(c) and 5.1(a) Hearings

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA


FILED

FEB - 8 2008

UNITED STATES OF AMERICA

v.

MARY J. GARCIA

Magistrate Case  
No. 08MJ359BY  CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
DEPUTYWAIVER OF RULE 5(c) and 5.1(a) HEARINGS  
(Excluding Probation/Supervised Release Violation)

I, **MARY J. GARCIA**, understand that in the District of Guan, charges are pending alleging violation of Title 18, United States Code, Sections 2, 371, 1028(a)(1), 1028(b)(1)(A)(ii), 1028(c)(1) and 1028(c)(3)(A), and that I have been arrested in the Southern District of California and taken before a United States Magistrate Judge, who informed me of the charge and of my right to:

1. Retain counsel or request the appointment of counsel if I am unable to retain counsel;
2. Request transfer of the proceedings to this district pursuant to Rule 20, Fed.R.Crim.P., in order to plead guilty if the United States Attorneys in both districts approve the transfer in writing;
3. A preliminary hearing if required by Federal Rules of Criminal Procedure 5.1 or 58(b)(2)(G) (unless an indictment has been returned or an information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held either in this district or the district of prosecution; and
4. An identity hearing to determine if I am the same person named in the charging document.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

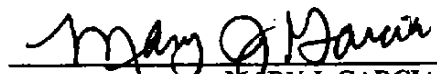
☒ identity hearing☐ preliminary hearing☐ identity hearing and have been informed I have no right to a preliminary hearing

☐ identity hearing but request a preliminary hearing be held in the prosecuting district and, therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charge is pending against me.

I hereby attest and certify on 2/11/08  
That the foregoing document is a full, true and correct  
copy of the original on file in my office and in my legal  
custody.

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIABy 

Deputy

  
MARY J. GARCIA  
Defendant

  
David Peterson  
Defense Counsel

2.8.2008

Date

FILED

FEB - 8 2008

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
BY DEPUTY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARY J. GARCIA,

Defendant.

Magistrate Case No. 08MJ0359

**ORDER OF REMOVAL**  
**(Defendant Not in Custody)**

An indictment having been filed in the District of Guam, charging defendant **MARY J. GARCIA** with fraud in connection with identification documents, in violation of Title 18, United States Code, Sections 2, 371, 1028(a)(1), 1028(b)(1)(A)(ii), 1028(c)(1) and 1028(c)(3)(A). Defendant **MARY J. GARCIA** was arrested on February 7, 2008, in the Southern District of California, pursuant to the out of district arrest warrant related to said indictment. Defendant **MARY J. GARCIA** then posted a criminal bond and waived an identity hearing pursuant to Rule 5(c) of the Federal Rules of Criminal Procedure. Therefore,

IT IS HEREBY ORDERED that defendant **MARY C. GARCIA**, report to the United States Duty Magistrate/District Court Judge, or U.S. Pretrial Services, United States Courthouse, 520 West Soledad Avenue, Hagatna, Guam 96910, on Friday, February 15, 2008 at 9:00 a.m. for further proceedings.

Dated: 2/8/2008

I hereby attest and certify on 2/11/08  
That the foregoing document is a full, true and correct  
copy of the original on file in my office and in my legal  
custody.

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

By [Signature] Deputy

Order of Removal/Revised 12/02

[Signature]  
**HONORABLE RUBEN B. BROOKS**  
United States Magistrate Judge  
Southern District of California